



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/759,774

01/16/2004

Philip Barthram

063170.6682

8142

5073

7590

01/20/2011

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

BROPHY, MATTHEW J

ART UNIT

PAPER NUMBER

2191

NOTIFICATION DATE

DELIVERY MODE

01/20/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
glenda.orrantia@bakerbotts.com

Office Action Summary	Application No. 10/759,774	Applicant(s) BARTHAM ET AL.	
	Examiner MATTHEW J. BROPHY	Art Unit 2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-21,23,29-43,45,51-65,67,73-87 and 90-106 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-23,29-43,45,51-65,67,73-87 and 90-106 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/10/2009</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 1/8/2010.
2. claims 1, 7-21, 23, 29-43, 45, 51-65, 67, 73-87, 90-106 are rejected.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 11/10/2009. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 45 and 51-57 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims recite a computer readable medium which is not defined by the specification and may be interpreted as an electronic signal claim. An electronic signal is considered natural phenomenon, which is held to be a judicial exception category and when a claim may be interpreted to incorporate such subject matter it must be rejected under 35 U.S.C. §101. See USPTO Notice of January 2010:

“When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. See *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009; p. 2...The USPTO recognizes that applicants may have claims directed to

computer readable media that cover signals per se, which the USPTO must reject under 35 U.S.C. § 101 as covering both non-statutory subject matter and statutory subject matter. In an effort to assist the patent community in overcoming a rejection or potential rejection under 35 U.S.C. § 101 in this situation, the USPTO suggests the following approach. A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim. Cf. *Animals – Patentability*, 1077 Off. Gaz. Pat. Office 24 (April 21, 1987) (suggesting that applicants add the limitation "non-human" to a claim covering a multi-cellular organism to avoid a rejection under 35 U.S.C. § 101)." *Subject Matter Eligibility of Computer Readable Media*. USPTO Notice Jan 26, 2010.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 7-13, 23, 29-35, 45, 51-57, 67, 73-79, and 90-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg et al. (US Pat. #: 5,933,647), hereinafter "Aronberg" in view of Lin (US Patent 6,178,433) hereinafter Lin and further in view of U.S. PG Publication 2002/12936 Hellerstein et al hereinafter Hellerstein. Any citations of these rejections (by Aronberg) not found in this office action can be found in a previous office action.

As for claim 1, Aronberg discloses:

A method (Col. 11, Lines 1-3) for managing a plurality of computers, at least one of the plurality of computers associated with a user having a user characteristic, comprising:

displaying, to a network administrator, a user-object data structure comprising resource information identifying a plurality of network computers ...**(Col 2, Ln 1-8, " The present invention provides a sophisticated graphical condition expression builder to allow distributions based on any combination of several criteria, including user name, group membership, hard disk size, free disk space, and environment variables. Moreover, the present invention has the ability to vary an installation at distribution time based on any of the above criteria. WinInstall and Symantec do not.")**

receiving selection information (any combination of several criteria, Col. 2, lines 3-5, Col. 4, lines 62-67, and FIGs. 3-10) from a network administrator (the user at the administrator, Col. 4, lines 62-67 and Col. 2, lines 54-57), the selection information comprising a user characteristic associated with the selected user (user name, Col. 2, line 3 and FIGs. 6 and 9);

receiving management information (distribution control information, Col. 2, lines 54-57, Col. 2, line 66 to Col. 3, line 1 and Col. 3, lines 8-14) from the network administrator (the user at the administrator, Col. 4, lines 62-67 and Col. 2, lines 54-57);

selecting each of the plurality of networked computers that are used by the selected user. (which computer, Col. 3, lines 8-10) based on selection information (any combination of several criteria, Col. 2, lines 3-5, Col. 3, lines 8-14, Col. 4, lines 48-67, and FIGs. 3-10);

allowing the network administrator to modify the management information to resolve the one or more conflicts, if the one or more conflicts exist; **(Aronberg Col. 6, Ln 20-37 “As shown in FIG. 9, the condition builder feature allows user at the console to control what conditions a particular agent must meet to pull down the application from the file server. The dialog box 901 permits the user to add a condition to the job, or modify an existing condition. The selected criteria 902 which make up the condition are shown in boxed area 902. The connector selection 903 allows the user to connect up criteria in the condition. The test button 904 permits evaluation of the condition and displays the results. The parenthesize feature 905 allows the user to selectively group criteria within the condition. The delete button 906 permits deletion of criteria from a condition. The else feature 907 permits the user to link the entire condition with the previous condition. The operation features 908 permit the user to modify the selected criteria. The entry field and lookup button 909 is used to modify the selected criteria.”)** *[Here, where Aronberg adds new conditions to previous conditions in the condition builder, the administrator can use the condition builder to resolve conflicts in conditions as detected as described Hellerstein below].*

and modifying each of the target computers that are used by the selected user based on the management information after the one or more conflicts are resolved. (Col. 3, lines 8-14 and FIGs. 3-10).

Aronberg does not disclose:

...[computers] in an enterprise system that are used by a selected one of a plurality of users the plurality of enterprise computers representing all the enterprise computers in the enterprise system that are used by the selected user.

Identifying as target computers to receive a modification, all of the plurality of network computers in the enterprise system that are used by the selected user

However, these limitations are taught by Lin.

...[computers] in an enterprise system that are used by a selected one of a plurality of users the plurality of enterprise computers representing all the enterprise computers in the enterprise system that are used by the selected user. **(Lin Col. 3, Ln 50-67, “Once any necessary updates are made to central user preference database 2, server-side synchronization agent 6 identifies which local computer(s) 3 are to receive updated user preference information as a result of the service request (Step 130).**

Where, for example, the service request is a request from a particular local computer 3 for a download of the most-current user preference information, server-side synchronization agent 6 may transmit the appropriate information only to that local computer 3. On the other hand, where the service request necessitated an update to central user preference database 2, server-side synchronization agent 6 preferably transmits the updated user preference information to all of the computers associated with the userid in the service request.”)

Identifying as target computers to receive a modification, all of the plurality of network computers in the enterprise system that are used by the selected user (**Lin Col. 3, Ln 50-67, “Once any necessary updates are made to central user preference database 2, server-side synchronization agent 6 identifies which local computer(s) 3 are to receive updated user preference information as a result of the service request (Step 130). Where, for example, the service request is a request from a particular local computer 3 for a download of the most-current user preference information, server-side synchronization agent 6 may transmit the appropriate information only to that local computer 3. On the other hand, where the service request necessitated an update to central user preference database 2, server-side synchronization agent 6 preferably transmits the updated**

user preference information to all of the computers associated with the userid in the service request.”)

In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Aronberg with the userid tracking features of Lin as Lin provides a “repository computer [that] maintains central user ...information and transmits that information to a local computer” which provides portability of user information between computers of an enterprise system.

Aronberg further does not teach:

comparing the management information to existing scheduled policies to determine if one or more conflicts exist;

Hellerstein, however, teaches this limitation:

(¶73 “When a new policy dealing with the conditions under which a particular region can or cannot be considered as a target for software distribution is formulated, this process performs the steps by which such a policy is entered in to the policy repository. If, after obtaining a new policy definition (step 801), a conflict is detected with existing policies (step 802), the new policy is rejected (step 803). If not, the new policy is entered (step 804) into the policy repository. The process ends at block 805. Note that the criteria for rejection could be more complex, based on the nature of the enterprise where the software distribution is being implemented. This illustrative description does not address policy conflict resolution issues. Instead, it assumes that a process is in place to maintain the

policy repository in a consistent state. Therefore, it is to be understood that any appropriate policy conflict resolution mechanism may be employed.”)

In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Aronberg with the conflict identification of Hellerstein as Aronberg has a system that allows adding new conditions (i.e. policies) to old conditions, and Hellerstein teaches a similar system of adding new deployment policies to old ones which includes a step to identify conflicts between the policies. It would be obvious to one of the ordinary skill in the art further to resolve the conflicts identified by Hellerstein using the condition builder of Aronberg which allows the administrator to modify add and delete conditions because Hellerstein recognizes “any appropriate policy conflict resolution mechanism may be employed.”

As for claims 23, 45, and 67, the claims are rejected for the same reason as set forth in the rejection of claim 1.

As for claims 7, 29, 51, and 73, Aronberg discloses:

the user characteristic (user name, Col. 2, line 3 and FIGs. 6 and 9) is related to an employment function of the user (marketing group users, financial group users,

Art Unit: 2191

engineering group users, Col. 5, lines 60-65).

As for claims 8, 30, 52, and 74, Aronberg discloses:

the user characteristic (user name, Col. 2, line 3 and FIGs. 6 and 9) is at least one of a user group and a geographic identifier (marketing group users, financial group users, engineering group users, Col. 5, lines 60-65).

As for claims 9, 31, 53, and 75, Aronberg discloses:

the selection information further includes a computer characteristic (User [machine id], FIG. 9, Col. 2, lines 3-7, and Col. 3, lines 8-14), and the computer characteristic is related to a function of at least one of the plurality of computers (which computer, Col. 3, lines 8-10).

As for claims 10, 32, 54, and 76, Aronberg discloses:

the selection information further includes a computer characteristic (User [machine id], FIG. 9, Col. 2, lines 3-7, and Col. 3, lines 8-14), and the computer characteristic is at least one of a group (group of workstations, Col. 1, lines 40-44), a geographic identifier, and configuration information (customized configuration, Col. 2, lines 52-57 and Col. 1, lines 40-44).

As for claims 11, 33, 55, and 77, Aronberg discloses:

modifying includes transmitting software to the at least one selected computer

Art Unit: 2191

(which computer, Col. 3, lines 8-10) from a software database (the file server, Col. 3, lines 8-14 and Col. 6, lines 20-23), and installing the software on the at least one selected computer (Col. 3, lines 8-14).

As for claims 12, 34, 56, and 78, Aronberg discloses:

the management information (distribution control information, Col. 2, lines 54-57, Col. 2, line 66 to Col. 3, line 1 and Col. 3, lines 8-14) includes a software identifier (the software, Col. 3, line 10 and FIG. 5) and an action (FIG. 5) to be performed on the at least one selected computer (which computer, Col. 3, lines 8-10).

As for claims 13, 35, 57, and 79, Aronberg discloses:

displaying the management information associated with the user (FIG. 3-6 and FIG. 9-10), wherein the management information includes at least one of the plurality of computers associated with the user (User [machine id], FIG. 9, Col. 2, lines 3-7, and Col. 3, lines 8-14), at least one installation (the software, Col. 3, line 10 and FIG. 5) associated with the user (user name, Col. 2, line 3 and FIGs. 6 and 9), and at least one task (FIG. 5) associated with the user (user name, Col. 2, line 3 and FIGs. 6 and 9);

As for claim 90, Aronberg discloses:

A method, comprising:

displaying, to a network administrator resource information identifying

a plurality of network computers...(FIGs. 7-10);

receiving selection information (any combination of several criteria, Col. 2, lines 3-5, Col. 4, lines 62-67, and FIGs. 3-10) from the network administrator (the user at the administrator, Col. 4, lines 62-67 and Col. 2, lines 54-57), the selection information comprising a user characteristic associated with the user (user name, Col. 2, line 3 and FIGs. 6 and 9);

receiving management information (distribution control information, Col. 2, lines 54-57, Col. 2, line 66 to Col. 3, line 1 and Col. 3, lines 8-14) from the network administrator (the user at the administrator, Col. 4, lines 62-67 and Col. 2, lines 54-57);

based on the selection information (any combination of several criteria, Col. 2, lines 3-5, Col. 3, lines 8-14, Col. 4, lines 48-67, and FIGs. 3-10), selecting each of a plurality of network computers ... (which computer, Col. 3, lines 8-14); and

allowing the network administrator to modify the management information to resolve the one or more conflicts, if the one or more conflicts exist; **(Aronberg Col. 6, Ln 20-37 “As shown in FIG. 9, the condition builder feature allows user at the console to control what conditions a particular agent must meet to pull down the application from the file server. The dialog box 901 permits the user to add a condition to the job, or modify an existing condition. The selected criteria 902 which make up the condition are shown in boxed area 902. The connector selection 903 allows the**

user to connect up criteria in the condition. The test button 904 permits evaluation of the condition and displays the results. The parenthesize feature 905 allows the user to selectively group criteria within the condition. The delete button 906 permits deletion of criteria from a condition. The else feature 907 permits the user to link the entire condition with the previous condition. The operation features 908 permit the user to modify the selected criteria. The entry field and lookup button 909 is used to modify the selected criteria.”) [Here, where Aronberg adds new conditions to previous conditions in the condition builder, the administrator can use the condition builder to resolve conflicts in conditions as detected as described Hellerstein below].

based on the selection information, modifying each of the plurality of network computers after the one or more conflicts are resolved (Col. 3, lines 8-14 and FIGs. 3-10).

Aronberg does not explicitly teach:

the plurality of enterprise computers representing all the enterprise computers in the enterprise system that are used by the selected user.

Identifying as target computers, each of the plurality of network computers that are used by the selected user;

Art Unit: 2191

[selecting and modifying each of] the plurality of network computers associated with the single user

However, these limitations are taught by Lin:

the plurality of enterprise computers representing all the enterprise computers in the enterprise system that are used by the selected user **(Lin Col. 3, Ln 50-67, “Once any necessary updates are made to central user preference database 2, server-side synchronization agent 6 identifies which local computer(s) 3 are to receive updated user preference information as a result of the service request (Step 130). Where, for example, the service request is a request from a particular local computer 3 for a download of the most-current user preference information, server-side synchronization agent 6 may transmit the appropriate information only to that local computer 3. On the other hand, where the service request necessitated an update to central user preference database 2, server-side synchronization agent 6 preferably transmits the updated user preference information to all of the computers associated with the userid in the service request.”)** *[Lin teaches the use of this system in a work environment over a business's network of computer and therefore anticipates an enterprise system]*

Identifying as target computers, each of the plurality of network computers that are used by the selected user; **(Lin Col. 3, Ln 50-67, “Once any necessary updates are made to central user preference database 2, server-side synchronization agent 6**

identifies which local computer(s) 3 are to receive updated user preference information as a result of the service request (Step 130). Where, for example, the service request is a request from a particular local computer 3 for a download of the most-current user preference information, server-side synchronization agent 6 may transmit the appropriate information only to that local computer 3. On the other hand, where the service request necessitated an update to central user preference database 2, server-side synchronization agent 6 preferably transmits the updated user preference information to all of the computers associated with the userid in the service request.”)

[selecting and modifying each of] the plurality of network computers associated with the single user (130, 160, FIG. 2) **(Lin Col. 3, Ln 50-67, “Once any necessary updates are made to central user preference database 2, server-side synchronization agent 6 identifies which local computer(s) 3 are to receive updated user preference information as a result of the service request (Step 130). Where, for example, the service request is a request from a particular local computer 3 for a download of the most-current user preference information, server-side synchronization agent 6 may transmit the appropriate information only to that local computer 3. On the other hand, where the service request necessitated an update to central user preference database 2, server-side synchronization agent 6 preferably transmits the updated user preference information to all of the computers associated with the userid in the service request.”) [Lin teaches the use**

of this system in a work environment over a business's network of computer and therefore anticipates an enterprise system]

In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Aronberg with the user id tracking features of Lin as Lin provides a “repository computer [that] maintains central user ...information and transmits that information to a local computer” which provides portability of user information between computers of an enterprise system.

Aronberg further does not teach:

comparing the management information to existing scheduled policies to determine if one or more conflicts exist;

Hellerstein, however, teaches this limitation:

(¶73 “When a new policy dealing with the conditions under which a particular region can or cannot be considered as a target for software distribution is formulated, this process performs the steps by which such a policy is entered in to the policy repository. If, after obtaining a new policy definition (step 801), a conflict is detected with existing policies (step 802), the new policy is rejected (step 803). If not, the new policy is entered (step 804) into the policy repository. The process ends at block 805. Note that the criteria for rejection could be more complex, based on the nature of the enterprise where the software distribution is being implemented. This illustrative description does not address policy conflict

resolution issues. Instead, it assumes that a process is in place to maintain the policy repository in a consistent state. Therefore, it is to be understood that any appropriate policy conflict resolution mechanism may be employed.”)

In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Aronberg with the conflict identification of Hellerstein as Aronberg has a system that allows adding new conditions (i.e. policies) to old conditions, and Hellerstein teaches a similar system of adding new deployment policies to old ones which includes a step to identify conflicts between the policies. It would be obvious to one of the ordinary skill in the art further to resolve the conflicts identified by Hellerstein using the condition builder of Aronberg which allows the administrator to modify add and delete conditions because Hellerstein recognizes “any appropriate policy conflict resolution mechanism may be employed.”

As for claim 91 Aronberg discloses:

A method for managing a plurality of computers associated with a user having a user characteristic comprising:

displaying to a network administrator resource information **(Col 2, Ln 1-8, " The**

present invention provides a sophisticated graphical condition expression builder to allow distributions based on any combination of several criteria, including user name, group membership, hard disk size, free disk space, and environment variables. Moreover, the present invention has the ability to vary an installation at distribution time based on any of the above criteria. WinInstall and Symantec do not.”)

receiving selection information from the network administrator the selection information comprising a user characteristic associated with the user; (any combination of several criteria, Col. 2, lines 3-5, Col. 4, lines 62-67, and FIGs. 3-10)

allowing the network administrator to modify the management information to resolve the one or more conflicts, if the one or more conflicts exist; **(Aronberg Col. 6, Ln 20-37 “As shown in FIG. 9, the condition builder feature allows user at the console to control what conditions a particular agent must meet to pull down the application from the file server. The dialog box 901 permits the user to add a condition to the job, or modify an existing condition. The selected criteria 902 which make up the condition are shown in boxed area 902. The connector selection 903 allows the user to connect up criteria in the condition. The test button 904 permits evaluation of the condition and displays the results. The parenthesize feature 905 allows the user to selectively group criteria within the condition. The delete**

Art Unit: 2191

button 906 permits deletion of criteria from a condition. The else feature 907 permits the user to link the entire condition with the previous condition. The operation features 908 permit the user to modify the selected criteria. The entry field and lookup button 909 is used to modify the selected criteria.”) [Here, where Aronberg adds new conditions to previous conditions in the condition builder, the administrator can use the condition builder to resolve conflicts in conditions as detected as described Hellerstein below].

receiving management information from the network administrator; (distribution control information, Col. 2, lines 54-57, Col. 2, line 66 to Col. 3, line 1 and Col. 3, lines 8-14

based on the selection information selecting each of the plurality of network computers that are associated with the single user (any combination of several criteria, Col. 2, lines 3-5, Col. 3, lines 8-14, Col. 4, lines 48-67, and FIGs. 3-10); and

modifying each of the plurality of network computers associated with the single user based on the management information; (Col. 3, lines 8-14 and FIGs. 3-10). and wherein selecting and modifying are performed when the user becomes newly associated with at least one of the target computers.

Aronberg does not disclose:

identifying a plurality of network computers that are used by a single user;

identifying as target computers each of the plurality of network computers that are used by the single user;

selecting and modifying are performed when the user becomes newly associated with at least one of the plurality of computers

However, these limitations are taught by Lin.

identifying a plurality of network computers that are used by a single user; **(Lin Col. 3, Ln 50-67, “Once any necessary updates are made to central user preference database 2, server-side synchronization agent 6 identifies which local computer(s) 3 are to receive updated user preference information as a result of the service request (Step 130). Where, for example, the service request is a request from a particular local computer 3 for a download of the most-current user preference information, server-side synchronization agent 6 may transmit the appropriate information only to that local computer 3. On the other hand, where the service request necessitated an update to central user preference database 2, server-side synchronization agent 6 preferably transmits the updated user preference information to all of the computers associated with the userid in the service request.”)**

Art Unit: 2191

identifying as target computers each of the plurality of network computers that are used by the single user; **(Lin Col. 3, Ln 50-67, “Once any necessary updates are made to central user preference database 2, server-side synchronization agent 6 identifies which local computer(s) 3 are to receive updated user preference information as a result of the service request (Step 130). Where, for example, the service request is a request from a particular local computer 3 for a download of the most-current user preference information, server-side synchronization agent 6 may transmit the appropriate information only to that local computer 3. On the other hand, where the service request necessitated an update to central user preference database 2, server-side synchronization agent 6 preferably transmits the updated user preference information to all of the computers associated with the userid in the service request.”)**

selecting and modifying are performed when the user becomes newly associated with at least one of the plurality of computers **(Col. 4, Ln “Referring now to FIG. 3, processing begins in client-side synchronization agent 7 when a new user logs on to local computer 3 (Step 200). Where local computer 3 is accessible to multiple users, such as a computer in a development lab, it is desirable for client-side synchronization agent to include a security mechanism to ensure potentially-sensitive user preferences (or potentially-sensitive information accessible as a result of particular user preferences) are only available to authorized personnel. Accordingly, client-side synchronization agent 7 may**

require the new user to verify his or her authorization (Step 210). This may be done, for example, using an assigned userid or password, fingerprint matching or voiceprint matching. Client-side synchronization agent 7 may provide default user preference information to be used in the event the new user lacks appropriate authorization.”)

In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Aronberg with the userid tracking features of Lin as Lin provides a “repository computer [that] maintains central user ...information and transmits that information to a local computer” which provides portability of user information between computers of an enterprise system.

Aronberg further does not teach:

comparing the management information to existing scheduled policies to determine if one or more conflicts exist;

Hellerstein, however, teaches this limitation:

(¶73 “When a new policy dealing with the conditions under which a particular region can or cannot be considered as a target for software distribution is formulated, this process performs the steps by which such a policy is entered in to the policy repository. If, after obtaining a new policy definition (step 801), a conflict is detected with existing policies (step 802), the new policy is rejected (step 803). If not, the new policy is entered (step 804) into the policy repository. The process ends at block 805. Note that the criteria for rejection could be more

complex, based on the nature of the enterprise where the software distribution is being implemented. This illustrative description does not address policy conflict resolution issues. Instead, it assumes that a process is in place to maintain the policy repository in a consistent state. Therefore, it is to be understood that any appropriate policy conflict resolution mechanism may be employed.”)

In addition, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Aronberg with the conflict identification of Hellerstein as Aronberg has a system that allows adding new conditions (i.e. policies) to old conditions, and Hellerstein teaches a similar system of adding new deployment policies to old ones which includes a step to identify conflicts between the policies. It would be obvious to one of the ordinary skill in the art further to resolve the conflicts identified by Hellerstein using the condition builder of Aronberg which allows the administrator to modify add and delete conditions because Hellerstein recognizes “any appropriate policy conflict resolution mechanism may be employed.”

As for claim 92, Aronberg discloses:

selecting and modifying are performed when the user characteristic is one of changed and added (Col. 4, lines 62-67, Col. 3, lines 8-14, Col. 1, lines 41-45, and FIGs. 3-10; note that "the user at the administrator" selects which user associated with which computer should have a software).

As for claim 93 Aronberg discloses:

the user characteristic (user name, Col. 2, line 3 and FIGs. 6 and 9) is related to

- an employment function of the user (marketing group users, financial group users, engineering group users, Col. 5, lines 60-65).

As for claim 94 Aronberg discloses:

the user characteristic (user name, Col. 2, line 3 and FIGs. 6 and 9) is at least one of a user group and a geographic identifier (marketing group users, financial group

As for claims 95 Aronberg discloses:

the selection information further includes a computer characteristic (User [machine id], FIG. 9, Col. 2, lines 3-7, and Col. 3, lines 8-14), and the computer characteristic is related to a function of at least one of the plurality of computers (which computer, Col. 3, lines 8-10).

As for claim 96, Aronberg discloses:

Art Unit: 2191

the selection information further includes a computer characteristic (User [machine id], FIG. 9, Col. 2, lines 3-7, and Col. 3, lines 8-14), and the computer characteristic is at least one of a group (group of workstations, Col. 1, lines 40-44), a geographic identifier, and configuration information (customized configuration, Col. 2, lines 52-57 and Col. 1, lines 40-44).

As for claims 11, 33, 55, 77 and 97 Aronberg discloses:

modifying includes transmitting software to (which computer, Col. 3, lines 8-10) ... from a software database (the file server, Col. 3, lines 8-14 and Col. 6, lines 20-23), and installing the software on ...(Col. 3, lines 8-14).

While Lin further discloses:

the each of the target computers that are used by the selected user (e.g. Lin 130, FIG. 2)

As for claims 12, 34, 56, 78 and 98 Aronberg discloses:

the management information (distribution control information, Col. 2, lines 54-57, Col. 2, line 66 to Col. 3, line 1 and Col. 3, lines 8-14) includes a software identifier (the software, Col. 3, line 10 and FIG. 5) and an action (FIG. 5) to be performed on (which computer, Col. 3, lines 8-10).

While Lin Discloses: each of the target computers that are used by the selected user(e.g. Lin 130, FIG. 2).

As for claims 13, 35, 57, 79 and 99 Aronberg discloses:
displaying the management information associated with the user (FIG. 3-6 and FIG. 9-10), wherein the management information includes at least one installation(the software, Col. 3, line 10 and FIG. 5) associated with the user (user name, Col. 2, line 3 and FIGs. 6 and 9), and at least one task (FIG. 5) associated with the user (user name, Col. 2, line 3 and FIGs. 6 and 9);

8. Claims 14-15, 17-19, 36-37, 39-41, 58-59, 61-63, 80-81, and 83-85, 100, 101, 103-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg et al. (US Pat. #: 5,933,647), hereinafter "Aronberg" in view of Lin (US Patent 6,178,433) hereinafter Lin, further in view of U.S. PG Publication 2002/12936 Hellerstein et al hereinafter Hellerstein and further in view of Lubanski et al. (Mike Lubanski and Darshan Doshi, "SMS 2 Administration", SAMS, February 2000), hereinafter "Lubanski".

As for claims 14, 36, 58, 80 and 100 both Aronberg and Lin do not explicitly disclose: displaying information stored on at least one of the plurality of computers associated with the user.

However, Lubanski discloses:

Art Unit: 2191

displaying information stored on at least one of the plurality of computers associated with the user (browse the hardware and software inventory of a machine and the product-compliance details of software on machines, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 12 of 14, Lines 21- 22).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Lin with the teachings of Lubanski by displaying information stored on at least one of the plurality of computers associated with the user in order to distribute and manage software as well as to track the software's usage (Lubanski, Chapter 1, Section: The Need for Desktop and Software Management, Page 3 of 4, Lines 34-35).

As for claims 15, 37, 59, 81 and 101 Aronberg does not explicitly disclose: providing a link to information stored on at least one of the plurality of computers associated with the user.

However, Lubanski discloses:

providing a link to information stored on at least one of the plurality of computers associated with the user (Resource Explorer is used to browse the hardware and software inventory of a machine and the product-compliance details of software on 'machines, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 12 of 14, Line 21).

Art Unit: 2191

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Lin with the teachings of Lubanski by providing a link to information stored on at least one of the plurality of computers associated with the user in order to distribute and manage software as well as to track the software's usage (Lubanski, Chapter 1, Section: The Need for Desktop and Software Management, Page 3 of 4, Lines 34-35).

As for claims 17, 39, 61 and 83 Aronberg does not explicitly disclose:

storing at least one of a computer characteristic and the user characteristic in an external database.

However, Lubanski discloses:

storing at least one of a computer characteristic (Resource Domain, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Pages 2-3 of 14, Figure 2.2) and the user characteristic (Account Domain, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Pages 2-3 of 14, Figure 2.2) in an external database (SQL database) (SMS uses the SQL database as an engine and storage facility for its data, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 5 of 14, Line 6).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Lin with the teachings of Lubanski by storing at least one of a computer characteristic and the user characteristic in an

Art Unit: 2191

external database in order to provide the information necessary for SMS to perform its other functions, such as software distribution or remote control (Lubanski, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 5 of 14, Lines 9-10)

As for claims 18, 40, 62 and 84 and 103 Aronberg does not explicitly disclose:

interfacing with an external database including at least one of a computer characteristic and the user characteristic.

However, Lubanski discloses:

interfacing with an external database including at least one of a computer characteristic (Resource Domain, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Pages 2-3 of 14, Figure 2.2) and the user characteristic (Account Domain, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Pages 2-3 of 14, Figure 2.2) (SMS uses the SQL database as an engine and storage facility for its data, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 5 of 14, Line 6).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Lin with the teachings of Lubanski by interfacing with an external database including at least one of a computer characteristic and the user characteristic in order to provide the information necessary for SMS to perform its other functions, such as software distribution or remote control

(Lubanski, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 5 of 14, Lines 9-10).

As for claims 19, 41, 63, 85 and 104 Aronberg does not explicitly disclose:

populating an external database including at least one of a computer characteristic and the user characteristic with application data.

However, Lubanski discloses:

populating an external database (SQL database) including at least one of a computer characteristic and the user characteristic with application data (Chapter 8, Section: Discovery and Discovery Methods, Page 1 of 16, Lines 17-18, and Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 12 of 14, Lines 1-5) (Note that SMS uses the SQL database as an engine and storage facility for its data, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 5 of 14, Line 6; all discovered resources are stored in SQL database).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Lin with the teachings of Lubanski by populating an external database including at least one of a computer characteristic and the user characteristic with application data in order to provide the information necessary for SMS to perform its other functions, such as software distribution or remote control (Lubanski, Chapter 2, Section: Explanation of Key Concepts of Windows NT, SQL, and SMS, Page 5 of 14, Lines 9-10).

9. Claims 20, 42, 64, 86 and 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg et al. (US Pat. #: 5,933,647), hereinafter "Aronberg" in view of Lin (US Patent 6,178,433) hereinafter Lin, further in view of U.S. PG Publication 2002/12936 Hellerstein et al hereinafter Hellerstein and further in view of Brovick et al. (Edgar Brovick, Doug Hauger, and William C. Wade III, 'M#indows 2000 Active Directory', SAMS, February 2000), hereinafter "Brovick".

45.

As for claims 20, 42, 64, 86 and 105, Aronberg does not explicitly disclose: populating a target database with data from an external database, the data including at least one of a computer characteristic and the user characteristic.

However, Brovick discloses:

populating a target database (DC) with data from an external database (DC) (replicate the directory data between the DCs, Chapter 10, Section: Replication, Page 1 of 8, Line 12), the data including at least one of a computer characteristic and the user characteristic (critical information about computer networks, users, and groups in a single data store, Chapter 2, Page 1 of 9, Line 39).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg and Lin with the teachings of Brovick by populating a target database with data from an external database in order to provide quick and efficient directory services to clients across the enterprise (Brovick, Chapter 10, Section: Replication, Page 1 of 8, Line 9).

10. Claims 16, 21, 38, 43, 60, 65, 82, 87 102 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aronberg et al. (US Pat. #: 5,933,647), hereinafter "Aronberg" in view of Lin (US Patent 6,178,433) and further in view of U.S. PG Publication 2002/12936 Hellerstein et al hereinafter Hellerstein hereinafter Lin and further in view of Davis et al. (US Pat. #: 5,742,829), hereinafter "Davis".

As for claims 16, 38, 60, and 82, Aronberg discloses:

modifying a computer (which computer, Col. 3, lines 8-10) based on the user characteristic (user name, Col. 2, line 3 and FIGs. 6 and 9) that is one of stored in a database (the file server, Col. 3, lines 8-14 and Col. 6, lines 20-23).

However, both Aronberg and Lin do not explicitly disclose:

modifying a computer based on the user characteristic that is one of stored in a database and entered into the at least one selected computer by the user.

On the other hand, Davis discloses:

modifying a computer based on the user characteristic (the current user and user configuration information for the current user, Col. 12, Lines 40-41) that is one of stored in a database (SQL Server, FIG. 2) and entered into the at least one selected computer by the user (FIG. 4, FIG. 5A, and FIG. 5B, and the client setup executable 354 accesses the domain initialization file 356 to retrieve the program list ("the program list") to be loaded onto the client and utilizes the copy list 358 to load the software, Col. 9, Lines 8-11 ; note that "the client" here means "the local computer" with user characteristic).

Art Unit: 2191

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg with the teachings of Davis by modifying a computer based on the user characteristic that is one of stored in a database and entered into the at least one selected computer by the user in order to install software from a master computer to a slave computer upon user initiation (Davis, Col. 1, lines 66-67).

As for claims 21,43, 65, 87 and 106 both Aronberg and Lin do not explicitly disclose: checking newly inputted management information against the management information for a conflict.

However, Davis discloses:

checking newly inputted management information against the management information for a conflict (if the program list differs from what is actually installed on a client, during the process of logging onto the client server, the preferred embodiment will make what is actually loaded on the client conform to the program list, Col. 9, Lines 21-23).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Aronberg with the teachings of Davis by checking newly inputted management information against the management information for a conflict in order to give the user total control over what events will take place (Aronberg, Col. 1, Lines 30-31).

Response to Arguments

11. Applicant's arguments with respect to claim 1-106 have been considered but are moot in view of the new ground(s) of rejection. Further, insomuch as applicant's arguments about the invention being user-centric as opposed to the references, this argument is unpersuasive in view of Lin for the same reasons expressed in response to the same argument in the previous rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW J. BROPHY whose telephone number is 571-270-1642. The examiner can normally be reached on Monday-Thursday 8:00AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2191

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJB

1/12/2010

/Anna Deng/
Primary Examiner, Art Unit 2191